

# FARMINGTON CITY COUNCIL MEETING

Wednesday, November 5, 2003

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## CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

**PRESENT:** Mayor David M. Connors, Council Members David Hale, Larry W. Haugen, Susan T. Holmes, Edward J. Johnson, City Manager Max Forbush, City Planner David Petersen, and Deputy Recorder Jeane Chipman. Council Member Bob Hasenyager was excused.

**Mayor Connors** began discussion at 6:40 P.M. The following items were reviewed:

- Consideration of Amendment to Sign Ordinance (Title 15) Enacting a Provision to Provide for Variances as Determined by the Board of Adjustment (Agenda Item #4)– The amendment would allow the Board of Adjustment to address variances regarding signs in the City. The option was inadvertently deleted by a previous City Council action.
- H.H.I. Appeal of Planning Commission’s Decision to Deny an Application for a Conditional Use Permit to Allow a Small Auto Dealership in the BR Zone (Continued from October 1, 2003, City Council Meeting) (Agenda Item #5)– Mr. Forbush referred to a letter from Don Hokanson which had been distributed to the City Council during the past week in which Mr. Hokanson responded to specific Planning Commission concerns. Mayor Connors mentioned that the Planning Commission had strong feelings that the small auto dealership was not consistent with the Downtown Master Plan.
- Consideration of Ordinance Amending 11-38-101 Related to Zoning Enforcement Authority (Agenda Item #6) – Members of the Council raised a few questions regarding the agenda item. Mr. Petersen responded that the ordinance amendment would allow a designee appointed by himself authority to handle specific responsibilities which in turn would lighten the work load of the Planning Department personnel.
- Consideration of Enacting Chapter 40 of Zoning Ordinance Regarding Drinking Water Source Protection (Agenda Item #7) – The Planning Commission had recommended affirmative action on Agenda Item #7.
- Request for Amendments to an Interlocal Agreement with Centerville City to Provide for Tuscany Cove Subdivision’s Drainage to Be Directed to Centerville’s Drainage System in Exchange for Shared Drainage Impact Fees and Storm Water Utility Fees/The Hawkins Company (Agenda Item #8)– The developer had had no success in dealing with other property owners in his attempts to get easements for receiving the Tuscany Cove storm water drainage within Farmington boundaries. Centerville was the more direct drainage route, and Centerville City has approved the concept.

- Consideration of Alternatives for Financing the Widening of West Clark Lane from 1100 West to 1525 West (Agenda Item #9)– Citizens living in west Farmington had complained that the road in question was narrow and dangerous.
- Brief Review of “Draft” of Farmington City’s Emergency Operations Plan/Discussion of Upcoming Table Top Exercise (Agenda Item #10)– The item had been discussed in a meeting held by key City preparedness officials. A report would be given and consideration made during the regular session.
- Walter and Laurel Moyer Agreement Related to Regarding of Access Road on East Side of Lot in Hughes Estates Subdivision (Agenda Item #12) – After a brief discussion, it was decided the item would be best addressed in closed session.
- Proposed Amendment to Building and Development Moratorium in OTR Area Taking Out Parcels Owned by Davis County South of Courthouse (Agenda Item #13)– The City Planner was asked to investigate whether or not the item needed to be postponed in order to declare and notice it as a public hearing. A decision would be made before discussion in regular session.
- Proposed “Child Safe Community Standards” Resolution/Review of Model “Sexually Oriented Business Ordinance” (Agenda Item #14)– Mr. Johnson had investigated information regarding the agenda item and had distributed information to each City Council member. He requested that current ordinances be reviewed and that consideration be given to strengthening and clarification. He would present more information during the regular session.

### **REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER**

**PRESENT:** Mayor David M. Connors, Council Members David Hale, Larry W. Haugen, Susan T. Holmes, Edward J. Johnson, City Manager Max Forbush, City Planner David Petersen, City Recorder Margy Lomax, and Deputy Recorder Jeane Chipman. Council Member Bob Hasenyager was excused.

**Mayor Connors** called the meeting to order at 7:10 P.M. The invocation was offered by **David Hale** and the Pledge of Allegiance was led by Curtis Munson, Senior Patrol Leader of Scout Troop 300.

**Mayor Connors** commented on the recent elections and congratulated the winners of the race. He stated the elections process had been a good exercise of the political system and that all candidates had done an admirable job, including Candidate Poff, who had made an unsuccessful bid for a Council seat.

### **APPROVAL OF MINUTES OF PREVIOUS MEETING**

**David Hale** moved to approve the minutes of the September 17, 2003, City Council

Meeting as amended. **Larry Haugen** seconded the motion. The voting was unanimous in the affirmative.

**Larry Haugen** moved that the City Council approve minutes for the regular City Council held October 15, 2003. **David Hale** seconded the motion. The voting was unanimous in the affirmative with Ed Johnson abstaining due to his absence during the October 15<sup>th</sup> meeting.

**Ed Johnson** moved that the City Council approve minutes for the special City Council meeting held October 22, 2003. **Susan Holmes** seconded the motion, which passed by unanimous vote.

### **REPORT OF PLANNING COMMISSION (Agenda Item #3)**

**David Petersen** reported proceedings of the Planning Commission meeting held October 23, 2003, in the Kendall Building. He covered the following items:

- ↯ The Planning Commission recommended that the City Council deny schematic plan approval for a planned unit development located at approximately 275 East 200 North.
- ↯ The Boyer Company requested preliminary plat approval for the proposed Farmington Ranches East Subdivision consisting of 55 lots on 27.86 acres located at the northeast corner of Clark Lane and 1525 West Street. Mr. Moffat, representing The Boyer Company, withdrew the application on the grounds that his development could not financially pay for the curb and gutter on both sides of the street.
- ↯ The Planning Commission moved that conditional use and site plan approval be granted to establish a temporary office in a model home located at 1898 West Clark Lane.
- ↯ The Planning Commission considered recommending an amendment to the Zoning Ordinance to allow "Bed and Breakfast/Inn" facilities as a conditional use in residential zones. They tabled the agenda item pending the findings of an appointed sub-committee which will report their findings on November 13<sup>th</sup>.

### **PUBLIC HEARING: CONSIDERATION OF AMENDMENT TO SIGN ORDINANCE (TITLE 15) ENACTING A PROVISION TO PROVIDE FOR VARIANCES AS DETERMINED BY THE BOARD OF ADJUSTMENTS (Agenda Item #4)**

**Mr. Petersen** explained that due to the U.S. Highway 89 expansion project, Smith's desires to have another sign for reasons outlined in the letter to David Petersen dated September 9, 2003. The proposed location for the new sign cannot be approved by Farmington City without some kind of variance. The Sign Ordinance used to be part of the Farmington City Zoning

Ordinance (Title 11). In 1991 the City Council separated the two ordinances and each received its own title as part of the overall Farmington City Code. In doing this, the Council inadvertently removed the variance provision from the Farmington City Sign Ordinance. After consideration, the Planning Commission recommended to the City Council that a variance clause be placed back in to the Sign Ordinance to allow applicants, under certain conditions, to seek a variance from the Farmington City Board of Adjustment. The City Attorney had reviewed and was in favor of the proposed amendment.

### **Public Hearing**

**Mayor Connors** opened the meeting to a public hearing.

### **Public Hearing Closed**

With no forth-coming comments, **Mayor Connors** closed the public hearing and asked the City Council for their consideration.

### **Motion**

**Susan Holmes** moved that the City Council approved Ordinance No. 2003-51, an ordinance enacting section 15-1-050 of the Farmington City Code establishing variance provisions for the sign ordinance. **David Hale** seconded the motion, which passed by unanimous vote.

### **PUBLIC HEARING: H.H.I. APPEAL OF PLANNING COMMISSION'S DECISION TO DENY AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW A SMALL AUTO DEALERSHIP IN THE BR ZONE (CONTINUED FROM OCTOBER 1, 2003, CITY COUNCIL MEETING) (Agenda Item #5)**

**Mr. Petersen** stated the agenda item had been continued from the previous City Council meeting to allow Mayor Connors and Council Member Ed Johnson time to meet with the Planning Commission in a study session. The Council was desirous of knowing clearly the reasons the Planning Commission had twice denied the application by H.H.I. Mr. Petersen explained that the Planning Commission had wanted the City Council to make the decision, since it was the City Council who had approved the amendment to the Zoning Ordinance which allowed the conditional use of a small dealership in the downtown area. Also, the Planning Commission had reviewed standards for conditional use as set forth in 11-8-105, which stated that "The proposed use shall conform to the goals, policies, and governing principles of the Comprehensive Plan for Farmington City. The Planning Commission felt the small auto dealership did not comply with the Master Plan for the Downtown area.

### **Public Hearing**

**Mayor Connors** opened the meeting to a public hearing.

**Don Hokansen** (applicant) reviewed the letter he had sent to each member of the City Council wherein he responded to the Planning Commission's concern regarding the Master Plan for the Downtown area. Mr. Hokansen also stated that HHI was committed to abiding by all conditions set by the City Council in the amended ordinance. The letter also stated that the applicant considered the desired approval as a "temporary use" since HHI felt they would be moving their business at some future point. Mr. Hokansen felt there would be no change in the traffic of the downtown area due to the small auto dealership.

**Mayor Connors** directed that a copy of the letter submitted by Mr. Hokansen dated October 31, 2003, be included as a part of the record.

### **Public Hearing Closed**

With no further comments, **Mayor Connors** closed the public hearing and asked the City Council for their consideration. The City Council discussed the issues, including the following points:

- ▮ The Planning Commission had been concerned about increase of traffic on the downtown roads.
- ▮ The biggest concern of the Planning Commission was the fact they felt the small auto dealership did not comply with the Master Plan for the downtown area.
- ▮ Mayor Connors commented that the Planning Commission was a body of dedicated, thoughtful citizens who were consistent in their effort to making good decisions. He and the City Council were very appreciative of their work and their careful consideration of all issues before them. Because the issue regarding the small auto dealership had been back and forth between the two bodies, the City Council had felt strongly that they wanted to clearly understand reasons for the Planning Commission actions. He felt the generalized concern of the Planning Commission was that they felt the small auto dealership use was not consistent with the General Plan, specifically the Master Plan for the Downtown area. That, then, became a significant question for the City Council to consider. The Planning Commission twice said no to the application. Each time their decisions had been unanimous.
- ▮ When asked, Mr. Petersen reviewed the staff report dated September 11, 2003, which included specific and detailed conditions for approval.
- ▮ Mr. Hale felt the conditions as listed by the staff report of September 11, 2003, were acceptable, but that there should be an addition of a requirement for maximum acreage in any specific approval.
- ▮ It was recommended that any approval given be subject to a renewal review every three years.

**Motion**

**David Hale** moved that the City Council approve the request of H.H.I. for a conditional use permit allowing a small auto dealership on Main Street of Farmington City subject to conditions set forth by the Planning Commission in a staff report dated September 11, 2003, including specific restrictions on maximum acreage and subject to a renewal review every three years. **Susan Holmes** seconded the motion.

In discussion of the motion, **Ms. Holmes** stated the appreciation of the City Council for the willingness of the applicant to work with the City in addressing the concerns felt by officials. The approval of the application did not negate the concerns of the City officials regarding the possible impact of a small auto dealership on the downtown area and the possible inconsistency with the Master Plan, thus the reason for the 3 year time limit. It had been noted that the H.H.I. business may be moving. The small auto dealership would necessarily move with the business.

A vote was taken on the motion, indicating a unanimous affirmative vote.

**Mayor Connors** stated the issue had been a very difficult one to consider and that the decision had been very tough. The issue had not been about a car dealership; it had been about an existing business being allowed to sell a few used cars as necessary. The agenda item had not been viewed by the City Council as regarding a car dealership. If it had, there would have been no way it would have been approved. The applicant, Mr. Hokansen, had made commitments about strict adherence to the tight conditions of the ordinance. The applicant had promised no passerby would ever know cars were being sold on the premises. The Mayor also stated the appreciation of the City Council and himself for the willingness of the H.H.I. officials to comply with City conditions. A used car lot would not be consistent with Farmington's downtown. The City Council would be very disconcerted if such were to develop as a result of the permit just approved. The action of the City Council was simply to accommodate one of Farmington's businesses in meeting the needs of their business.

**PUBLIC HEARING: CONSIDERATION OF ORDINANCE AMENDING 11-38-101  
RELATED TO ZONING ENFORCEMENT AUTHORITY (Agenda Item #6)**

Packet information indicated that for a number of years Ralph Gibbons had been the Weed Abatement Officer for Farmington City. Over the last year or two he has also performed numerous zoning enforcement tasks for the Zoning Administrator. These include: taking pictures of sites and preparing notices for the Zoning Administrator's signature. He does not have the authority to sign notices and, therefore, the one-on-one dialog between one who is in violation of the Zoning Ordinance and the City is conducted entirely with the Zoning Administrator. This can be very time consuming and therefore it is recommended that some of this authority be delegated to Mr. Gibbons. The City Attorney, in the letter dated July 19, 2001, also discusses the cleaning of construction sites.

**Mr. Petersen** reviewed the agenda item and recommended its approval.

### **Public Hearing**

**Mayor Connors** opened the meeting to a public hearing.

### **Public Hearing Closed**

With no forth-coming comments, **Mayor Connors** closed the public hearing and asked the City Council for their consideration.

**Mr. Johnson** asked for a definition of “building official.”

**Mr. Forbush** stated the City did not currently have a building official because the building inspector had not yet accomplished all certification. However, it is possible that the City would have a building official at some future point. It was planned that the building official would be a department head. The amendment currently under consideration included language permitting a designee (as assigned by the City Planner) to perform specific duties with legal authority in order to help with the work load of the Planning Department.

### **Motion**

**Larry Haugen** moved that the City Council adopt an ordinance amending Section 11-38-101 of the Farmington City Municipal Code relating to the enforcement authority of City officials for code violations. **Susan Holmes** seconded the motion, which passed by unanimous vote.

### **PUBLIC HEARING: CONSIDERATION OF ENACTING CHAPTER 40 OF ZONING ORDINANCE REGARDING DRINKING WATER SOURCE PROTECTION (Agenda #7)**

Packet information indicated that the ordinance had been recommended by the State Drinking Water Board. Previously the City completed a study required by the State designating water source protection zones. Approval of the ordinance goes a step farther allowing the City to take enforcement action for any violations within the protected zones. Since the ordinance is a new chapter in the Zoning Ordinance, it was reviewed by the Planning Commission. The Planning Commission has given an affirmative recommendation to the City Council to adopt the ordinance.

**Mr. Forbush** explained the ordinance and presented Exhibit A (map) as part of the ordinance. He stated the Planning Commission had recommended approval, as did the Public Works Department, the City Engineer, and the City Manager.

**Mr. Haugen** inquired about existing non-complying uses within the protected zones.

**Mr. Forbush** stated the ordinance allowed for grand-fathered uses.

## **Public Hearing**

**Mayor Connors** opened the meeting to a public hearing.

**Daniel Anderson** (671 Somerset Street) asked how long the ground water source in the Farmington area would last.

**Mayor Connors** stated it was a good question and that he had had the same concern. He had inquired of the Wasatch Front Regional Council and had been informed that the Weber Basin Water Conservancy District (basically Davis and Weber Counties) had a good supply of drinking water because precautions had been taken in time to preserve the level of the aquifer. Others areas in the State had not been as fortunate and were now in the process of trying to find other sources of water. One reason the Weber Basin Water Conservancy area was in such good shape was because of the FAPID (pressurized irrigation system of non-potable water) source for watering landscaping. The irrigation system provided a second supply of water and saved culinary water sources. The area's aquifer was continually recharging, and so it will be a reliable source for the foreseeable future.

## **Public Hearing Closed**

With no further comments, **Mayor Connors** closed the public hearing and asked the City Council for their consideration.

## **Motion**

**Susan Holmes** moved that the City Council approve Ordinance No. 2003-53, an ordinance establishing drinking water source protection in Farmington City and establishing drinking water source protection zones and regulations. **David Hale** seconded the motion.

In discussion of the motion, **Ms. Holmes** inquired about the Clark Water shares owned by the City and if it would not be advisable to use the shares to help back up the current wells being used by the City. The current wells were mainly located east of I-15. If there were an earthquake of any significance, a secondary water source on the west side may be of great benefit.

**Mr. Forbush** reviewed information regarding the Clark Water Board. The City Council had designated him to represent them on the Board. There had been discussion of using the Clark Water shares owned by the City as a secondary water source. There were two tiny wells currently in existence that were part of the Clark Water system. They were both very poor producing wells and the water was very poor quality. The shares owned by the City did have some value and therefore, there had been negotiations with environment groups for their sale. The sale has not as yet happen. Culinary water sources on the east side of the City were of higher quality, but groundwater quality west of I-15 was generally poor. Right now, the City has very good culinary well water sources, with pumping occurring only about 50% of the time. Additionally, the City has water rights not yet "proved upon". These combined water sources make it unnecessary to add the Clark Water sources. Mr. Forbush stated that the City Engineer was currently preparing



to testify before the City Council regarding water rights issues. The State has legislated cities must use water rights in some beneficial way or lose them. The City Engineer is working on possible alternatives for using the water rights in beneficial ways.

**Mayor Connors** stated that the City also had purchased “contract” water from the Weber Basin system which provides another source of culinary water.

A vote was taken on the motion indicating the motion passed by unanimous vote.

**REQUEST FOR AMENDMENTS TO AN INTERLOCAL AGREEMENT WITH CENTERVILLE CITY TO PROVIDE FOR TUSCANY COVE SUBDIVISION’S DRAINAGE TO BE DIRECTED TO CENTERVILLE’S DRAINAGE SYSTEM IN EXCHANGE FOR SHARED DRAINAGE IMPACT FEES AND STORM WATER UTILITY FEES/THE HAWKINS COMPANY (Agenda Item #8)**

Packet information stated the Hawkins Company had advised staff that they have been unable to reach an agreement with down side property owners from Tuscany Cove development and near the frontage road in obtaining storm water easements for a temporary detention basin and drainage easements through private properties. Initially staff had recommended that the water from this subdivision be conveyed westerly to 200 East or State Road 106, thence north along the east side of 106 towards the frontage road near the Lagoon billboard sign. To this point in time, the Hawkins Company has been unable to negotiate easements with the property owners west of 106 and east of the frontage road to accept the water from the subdivision.

There is a viable alternative of directing the water south to Centerville City. Since Centerville will accept the additional water, they are asking Farmington City to pay the storm water impacts off the development since all of the water will go to Centerville. Centerville will also require the developers to pay additional fees to help upsize their storm water drainage line in Lund Lane. In addition, Centerville is asking for part of Farmington’s storm water utility fee since they will be receiving and managing water from this subdivision. Farmington’s City Manager suggests that a fair sharing of the fees would be \$3.00 or 50%.

**Bart Longson** (representing the Hawkins Company) explained the agreement proposed with Centerville in accepting the drainage from the Tuscany Cove Subdivision.

**Mr. Forbush** said that staff would have preferred to keep the drainage system in the City. However, there were certain advantages to the current proposal directing the drainage to Centerville. The Tuscany Cove development is favorable to the City because it addresses trail needs, strengthens the water system in the south end of the City, and closes any possibility of future roads on the southeast bench connecting to Lund Lane. Having fire hydrants on the southeast bench also enhances fire protection on the foothills. He said that staff recommended the action. Centerville had approved the concept of accepting the development’s drainage in their meeting the previous night.

**Motion**

**Ed Johnson** moved that the City Council conceptually approve the request for amendments to an interlocal agreement with Centerville City to provide for Tuscan Cove Subdivision's drainage to be directed to Centerville's drainage system in exchange for shared drainage impact fees and storm water utility fees. **Larry Haugen** seconded the motion, which passed by unanimous vote.

Staff was directed to finalize the interlocal agreement and bring it back to the City Council for finalization.

### **CONSIDERATION OF ALTERNATIVES FOR FINANCING THE WIDENING OF WEST CLARK LANE FROM 1100 WEST TO 1525 WEST (Agenda Item #9)**

Packet material included the following information: City staff is beginning to receive a significant number of complaints from residents who live in Farmington Ranches as to why west Clark Lane has not been widened. With the advent of the I-15 ramp extending southwesterly to Clark Lane, there is a serious need for the improvement of the intersection of the ramp as it intersects Clark Lane at 1100 West. Moreover east and westbound motorists from this intersection find negotiating the narrow road difficult. At a recent Planning Commission meeting The Boyer Company requested preliminary plat approval for the Farmington Ranches East Subdivision which is located on the north side of the narrow part of Clark Lane. At that meeting David Petersen recommended that The Boyer Company front the cost for widening this particular stretch of road. They were unwilling to do this. Therefore, the Planning Commission tabled action on the request.

The developers of Farmington Greens development were responsible for widening the road. Any adjacent developers to the north were to participate or to reimburse Farmington Greens for the widening of the road. The developer of Farmington Ranches (The Boyer Company) was responsible for paying for 75 % of the cost of widening the road from 1100 West westerly to the D&RG railroad tracks. The Farmington Greens was responsible for paying for 25% of the cost on that section of Clark Lane.

The City Manager and City Planner believe that the developers of Farmington Greens are not required to widen and install improvements on west Clark Lane west of the DR&G tracks until such time that they start their second or third phase of development. Farmington Greens has approval on their first phase. Phases two and three which abut Clark Lane likely will not come on line for several months. Because of this situation, it is becoming critical to do something with the west Clark Lane road as soon as possible.

**Mr. Forbush** reviewed details of Clark Lane widening project cost estimates and reviewed possible options the City Council may entertain. His preferred recommendation was as follows:

- Negotiate additional amendments to reimbursement agreements with Farmington Ranches and Farmington Greens, if necessary.

- Have Farmington Ranches do the work with the City reimbursing costs of the center 15 feet (from 1100 West to 1525 West) upon completion.
- Add cost of a 1-inch popcorn seal to the project with each party paying its pro-rata share. The amount due from Farmington Ranches would be paid upon completion of initial phase (popcorn seal installed once curb and gutter is complete on both sides of Clark Lane from 1100 West to 1525 West).
- Storm water facilities to be installed by Farmington Ranches from 1100 West to 1525 West. City to pay net amount received from Farmington Greens toward storm sewer facility project. The balance of the cost to be fronted with the Farmington Ranches East Subdivision project to be reimbursed by the City with storm sewer impact fees either by credits or reimbursements.

Mr. Forbush also reviewed proposed amendments to the reimbursement agreement regarding system improvements and estimated costs. He provided a cross section of proposed new pavement for Clark Lane.

**Mayor Connors** stated one main question before the City Council was whether or not they were willing for Farmington City to front any portion of costs for Farmington Greens. He noted the City had obligated itself to the 15 feet in the center of the road. A discussion ensued, including the following points:

- ¬ Safety issues impact the decision to be made.
- ¬ The existing road is narrow and has waves. New construction would not only widen the road, but improve the quality and the safety.
- ¬ If only a portion of the road is constructed (for example, the Farmington Greens portion plus the center 15 feet to be funded by the City), the remainder of the road would be prepared as a shoulder. Mr. Forbush explained the “popcorn” seal procedure.
- ¬ Ms. Holmes stated she drove the road every day. She felt it was adequate for now, but could see the safety problems for cars who may be going faster than conditions allowed. She also had concerns regarding large construction trucks using the narrow road. If the road was to be improved, Ms. Holmes felt it should not be a “stop gap” function, but that it should be done correctly. Mr. Forbush stated that any construction done would be done to high City standards.
- ¬ Trash trees along the road should be pulled to improve sight distance and safety.
- ¬ As home construction increases further west, the road will become increasingly

dangerous if it isn't widened.

- ▮ Mr. Forbush reviewed funding alternatives. He stated that there was some concern about the reliability of the Farmington Greens developers to provide the promised funding and stated there should be some provisions for assurances the City will be reimbursed if the City Council decides to front monies.
- ▮ A brief discussion was held regarding cost obligations and whether or not the obligation would run with the land. If another developer were to take over the Farmington Greens' property, would the City have a way to collect the appropriate and fair road improvement costs? Mr. Petersen stated that the cost obligation did run with the property.
- ▮ Mr. Forbush reviewed the "pioneering agreement" that had been negotiated and stated that the developers of the Morrison property (east of the D&RG tracks) would be responsible to reimburse the City for the costs of road improvements.
- ▮ A brief discussion was held about bond monies that may be held to help cover the improvement costs. Staff stated they would review the situation with the City Attorney.
- ▮ The developer was anxious to receive approval to move forward with his preliminary plan approval application currently being addressed by the Planning Commission. He stated the current phase of development could not bear the burden of the entire road project. Mayor Connors stated the City was likely willing to work with the developer if they could be assured reimbursement would be forthcoming in the not too distant future. Otherwise, it would be imprudent for the City to give approval knowing they would never see the money.
- ▮ Mr. Petersen commented that two roads were being considered. There was the west segment of Clark Lane east of the railroad tracks and there was the portion of Clark Lane from 1525 to the railroad tracks.

### **Motion**

**Ed Johnson** moved that the City Council approve funding to front a portion of the Farmington Greens' responsibility and require repayment and that the City pay for the 15-foot wide system improvement through the center of the road as follows:

- Front costs of the Farmington Greens portion of Clark Lane from 1100 West to D&RG tracks at 24.3% - \$24,008 but only after pursuing alternatives of getting the funds from Farmington Greens. (Max is to pursue alternatives with the City Attorney.)

- Pay for system improvements portion to expand from 66 feet to 80 feet right of way (center 15 feet from 1100 West to 1525 West) at \$48,562.
- The total cost to the City for this portion of the agreement would be \$72,570.

The motion was subject to the review of the City Attorney, specifically regarding reimbursement assurance and previous agreement commitments by the Farmington Greens developers.

**Susan Holmes** seconded the motion.

**Mayor Connors** commented that the road improvements would be beneficial to the commercial zone.

A vote was taken indicating a 3 to 1 affirmative vote. Mr. Haugen voted nay.

**BRIEF REVIEW OF “DRAFT” OF FARMINGTON CITY’S EMERGENCY OPERATIONS PLAN/DISCUSSION OF UPCOMING TABLETOP EXERCISE (Agenda Item #10)**

The tabletop exercise has been planned for November 8, beginning at 8:30 A.M. in the City Hall.

**Mr. Forbush** asked the City Council to review the draft document regarding the City’s emergency operations plan and forward all comments to him as soon as possible. Paul White had done an excellent job with the plans. Mr. Forbush said that as an element of grant money approval recently received, it was necessary to conduct the tabletop exercise.

**Ms. Holmes** suggested clarifying the chain of command in the document instead of having the information as part of an appendix.

**Mr. Johnson** suggested that maps in the document be corrected for accuracy. It will be very helpful to area coordinators if they knew they were receiving accurate information.

**Mr. Hale** briefly discussed results of a previously held 6:30 A.M. meeting he attended in which the preparedness officials expressed their opinion that they needed to focus solely on preparedness needs of the City and not have other responsibilities added to their workload.

**MINUTE MOTION APPROVING BUSINESS OF CONSENT (Agenda Item #11)**

**Mr. Forbush** discussed items 11-5 and 11-8. He stated there were issues which the City Attorney needed to review.

**Susan Holmes** moved that the City Council approve the following items by consent

conditional upon the review and acceptance of the City Attorney as follows:

1. Ratification of construction bond agreements previously signed by Mayor Connors.
2. Approval of Agreement with Miss Utah Organization authorizing the City to conduct a local Miss Farmington Pageant. This is done every year and is a requirement of the Miss Utah organization.
3. Approval of Leisure Services Director's purchase of Point of Sales software and training. The City Manager and Finance Director concur with Viola Kinney's request (enclosed in packet) and are recommending approval.
4. Approval of corrections to Amendments #2 of Farmington Ranches Development Agreement and approval of Corrections to Map and Maintenance Plan for Farmington Ranches Conservation Easement. These changes were necessary because of the Buffalo Ranch development. All the corrections were made. They were minor in nature. David Petersen followed the items through to make sure the paperwork was accurate. He recommended approval of the corrections.
5. Authorization for staff to enter into a lease agreement for a front-end loader as recommended by the Finance Director. The City Manager agreed with the recommendation of the Finance Director. Acquisition of a new front-end loader by lease was approved in the budget. Authorization for the lease agreement also authorizes the Mayor to sign the Lease Agreement with Caterpillar.
6. Support Mayor Connors signing *Feed America Proclamation*.
7. Direct the Chief of Police to appoint a police representative to the Davis County Child Abuse Prevention Program.
8. Approval of telephone agreement with McCloud, Inc. The Finance Director and city Manager recommend approval of this agreement. Authorization should be given for the Mayor to sign this agreement. Keith Johnson has bid telephone service with a number of companies. McCloud, Inc., has won the bid in the past. This adjustment to their current contract is beneficial to the City that is why it is being recommended.
9. Approval of trail easement across the Oakwood Estates III Subdivision and adjacent lots in exchange for abandoning requirement for a conservation easement across Oakwood Estates III (1 lot)

**Larry Haugen** seconded the motion, which passed by unanimous vote.

**WALTER AND LAUREL MOYER AGREEMENT RELATED TO REGARDING OF ACCESS ROAD ON EAST SIDE OF LOT IN HUGHES ESTATES SUBDIVISION (Agenda Item #12)**

By consensus, the City Council decided to discuss Agenda Item #12 in closed session.

**PROPOSED AMENDMENT TO BUILDING AND DEVELOPMENT MORATORIUM IN OTR AREA TAKING OUT PARCELS OWNED BY DAVIS COUNTY SOUTH OF COURTHOUSE (Agenda Item #13)**

Packet information indicated that the request had come from the Davis County Commission. The reason they wanted to be released from the moratorium area was to be permitted to have an old building removed because it was a liability to them. The County could not take such action until the moratorium ordinance is amended.

**Mayor Connors** stated it had been deemed appropriate to take action on the agenda item without a public hearing. He recognized Chadwick Greenhalgh (representing members of the Farmington Historic Preservation Commission) and invited him to address the City Council.

**Chadwick Greenhalgh** asked the City Council to consider approaching the Davis County Commission to encourage appropriate process regarding the historic building located on the property in question. He said if the County would consult with the State Historic Preservation Commission, they could be directed in allowing documentation of the building and possible savage measures. It would be well for all government officials not to take any demolition lightly. The process is a legally required action. Mr. Greenhalgh felt that lifting the ordinance was a signal to the County that removal of the building was approved. It was also possible that the demolition of the structure would destroy mature trees.

**Mayor Connors** stated he had discussed the issue with members of the County Commission. It was in the best interest of both government bodies to cooperate in such matters. He felt confident that the County would follow all legal procedures and would be responsible in their actions regarding the historic nature of the structure.

**Mr. Johnson** felt Mr. Greenhalgh and the Mayor had made good points. He would also like to remind and encourage the County regarding consultation with the State Historic agency. He stated that in the past, the City had lost structures of historic merit because other government agencies had not followed proper procedures. He mentioned events that took place at the time the new highway was constructed near Cherry Hill.

**Motion**

**Susan Holmes** moved that the City Council approve the ordinance deleting certain property from the 2003 temporary zoning regulations ordinance subject to the County putting forth a good-faith effort to preserve the historic structure on the property in question and that they work with the Farmington Historic Preservation Commission and the State Historic

Preservation Commission to ensure proper procedures.

In discussion of the motion, it was felt the City could expect the County to follow appropriate and legal procedures. Mayor Connors was to communicate these requests to the County Commission.

### **Motion Withdrawn**

**Ms. Holmes** withdrew her motion.

### **Motion**

**Susan Holmes** moved that the City Council approve Ordinance No. 2003-54, an ordinance deleting Davis County property from the Building and Development Moratorium in OTR area which restricted exterior building permits, subdivisions and demolitions by the temporary zoning regulations ordinance that was in effect. **David Hale** seconded the motion, which passed by unanimous vote.

City Council members asked that staff provide a checklist of established historic preservation procedures required by the historic commissions for their information and for assistance when discussing such issues.

### **PROPOSED “CHILD SAFE COMMUNITY STANDARDS” RESOLUTION/REVIEW OF MODEL “SEXUALLY ORIENTED BUSINESS ORDINANCE” (Agenda Item #14)**

**Ed Johnson** had attended meetings regarding the importance of establishing high community standards in Davis County. He had submitted a letter to the City Council members wherein he stated that as community leaders, the City Council should be active in maintaining high community standards in order to secure a child-safe community in which to raise children. Mr. Johnson had received a recommendation from the “Citizens for Families–Coalition for Community Standards.” The recommendation involved passing a resolution promoting a “Child-Safe Community Standard.” It had also been recommended, and Mr. Johnson concurred, that the City look into strengthening its Sexually Oriented Business (SOB) Ordinance. In light of the forthcoming commercial growth in Farmington, Mr. Johnson felt it would be shortsighted of the Council if they did not work to maintain the highest possible standards in order to strengthen the community from those influences that would seek to destroy the character of citizens, particularly children.

Mr. Johnson had contacted the American Family Association Center for law and policy to discuss how the SOB ordinance could be strengthened. He had sent Farmington’s SOB ordinance to the Center for their suggestions. He had also received a model ordinance from the Center, which he suggested Farmington’s Attorney review. He felt the model ordinance may be stronger, more thorough and more current than the City’s existing ordinance. He asked the Council for their consideration.



By consensus, the City Council approved the review of the model ordinance and that the existing ordinance be reviewed to see if it should be strengthened by amendment or redrafted according to model ordinances researched by Mr. Johnson.

**REQUEST TO AMEND POLICY LENGTHENING WAITING PERIOD FOR SHORT-TERM DISABILITY COVERAGE/REQUEST TO INCREASE LEVEL OF TERM INSURANCE COVERAGE FOR EMPLOYEES' DEPENDENTS (Agenda Item #15)**

**Mr. Forbush** reviewed information provided by the City Finance Director. City department heads had discussed the possibility of changing the Short Term Disability requirement to encourage City employees to exercise more responsibility for wanting to take short term disability. The idea of increasing the waiting period was discussed and was decided to be an effective way of accomplishing the goal. The City's insurance agent for Standard Insurance was contacted and alternative plans were presented. It was suggested the waiting period could be increased from 7 to 14 days on sicknesses and to leave the accidental waiting period at 7 days. This would save the City roughly \$217.00 a month. The agent suggested that the life insurance coverage for spouse and children may be low and could be increased for approximately \$64.00 a month for all full time employees.

The Personnel Committee, with the exception of the two assigned Council members, had met and discussed the issue and all were in concurrence with what the department heads had considered. Staff recommended action be taken by the City Council to approve changing the short term waiting period and increasing the term life insurance benefit on the spouse and children of the employees.

**Mayor Connors** asked if all employees had been consulted about the possible change and what their reaction was.

**Mr. Forbush** stated that not all employees had had input into the proposal. It was suggested that be done and that the proposal then be brought back to the City Council for further consideration.

**RESOLUTION OF ADOPTING POLICY OF LEGISLATIVE PRAYER (Agenda Item #16)**

The packet contained a draft copy regarding Farmington City Policies about Legislative Prayer Policy and a draft resolution adopting the same, which had been prepared by the City Attorney.

**Motion**

**Ed Johnson** moved that the City Council adopt Resolution No. 2003-55, a resolution of the Farmington City Council adopting a policy on legislative prayer, changing the limited time from three to two minutes. **Larry Haugen** seconded the motion, which passed by unanimous

### **COMMUNITY CENTER COMMITTEE RECOMMENDATIONS (Agenda Item #17)**

**Mr. Forbush** introduced the agenda item for the Council. The committee had been organized to review issues and made recommendations. The Committee has met and were ready to make recommendations regarding restructuring of the Leisure Services Board and the structuring of the Arts Council. The Committee had also recommended rules for the new Community Center, fee structures for renting the Community Center and park picnic boweries and play fields, and rental rules for the play fields.

**Mr. Hale** and **Susan Holmes** had met with the Leisure Services Board and stated that a great deal of work and research had gone into the recommendations being made.

A discussion ensued, including the following points:

- ▮ The fee structure needs to be such that users will be encouraged to protect and maintain the property. It must also provide adequate funding for building operations so that the City is not unduly burdened with extra expense.
- ▮ The play field uses were discussed. Mr. Forbush reported that this proposal was made by Viola Kinney separate from the Committee. Those providing a service for the City, such as FABL, may need to be considered in a different light than private and other users.
- ▮ As pertaining to the use of playfields, liability, fairness, and other issues were discussed. Council members felt they would like to have the City Attorney review the proposed use agreements, especially with regards to including an indemnity clause.
- ▮ As to the Community Center, once it is completed and ready for use, it is intended that the City Hall will no longer be available for use by private organizations.
- ▮ Council members felt that particular fees, such as cancellation fees and deposits, should be raised.
- ▮ The organizational chart was discussed. It was mentioned that terms of office on the Arts Council could be staggered to provide continuity. The *City Newsletter* would include an invitation for possible candidates to the Council to apply.

Staff was asked to redraft the documents in resolution form and bring them back for final consideration.

**SETTING SPECIAL CITY COUNCIL MEETING TO CANVASS MUNICIPAL ELECTION RESULTS (Agenda #18)**

It was decided by consensus that the City Council would meet to canvass municipal election results on Tuesday, November 11, 2003, at 8:00 A.M.

**MISCELLANEOUS**

**Rules and Policies for the Historical Preservation Commission**

Mr. Johnson reported that rules and policies regarding new museum would be forthcoming for the Council consideration.

**Fiber Optics**

Mr. Johnson stated there was more work to be done regarding fiber optics in the City. Regulations needed to be created for developers. He would schedule a meeting during November with the committee reviewing issues. He asked that Keith Johnson and Paul Hirst be invited to attend.

**City Web Page**

Mr. Johnson stated it takes a great deal of work to create a successful web page. The City's page still is in need of improvement.

**Traffic Concerns**

Mr. Haugen reported a citizen had complained about traffic patterns in the vicinity of the Rock Hotel Dentist office.

**Crossing Guard Report**

Mr. Hale stated he had contacted Jeanine Gallagher, a crossing guard at the intersection of Main and Shepard Lane. The new signal light at that location had made the situation much safer.

**Street Lighting Issues**

Mr. Hale reported that citizen in areas where increased street lighting had been approved were anxious to have it installed. He wanted to make sure future developments included lighting standards.

**Road Damage**

Mayor Connors reported holes in the road along 1500 West. The City Manager said he would look into the problem.

### **New Road/New Name Unveiled**

Mr. Forbush reported that when Park Lane, with its accompanying name changes, is unveiled there will be an interest taken by the local media.

Mayor Connors stated he would be available to answer any media questions.

### **URMMA Report**

Mr. Forbush reported the results of the URMMA final inspection document was very favorable toward the City. The staff was commended for their risk management efforts.

### **Surplus Case Backhoe**

Mr. Forbush reported that Walt Hokanson, the Public Works Director, had proposed taking bids for sale of the 2001 Case backhoe. The equipment had to be declared surplus in order for the sale to occur.

**Susan Holmes** moved that the City Council declare as surplus and authorize the sale of the 2001 Case backhoe. **Larry Haugen** seconded the motion, which passed by unanimous vote.

### **Change Order Proposal Request No. 4**

Viola Kinney had requested several additional single gang outlets be installed high above the floor in the assembly area and in the lobby of the new Community Center building. Details of the change were presented in the packet. Also requested was the installation of a 36 by 36 fire rated access hatch to the mechanical mezzanine.

**Susan Holmes** moved that Change Order No. 4 be approved conditional on the price of the work coming in under \$1000. If the cost was over \$1000, the change order must be brought back to the City Council for further consideration. **Ed Johnson** seconded the motion, which passed by unanimous vote.

### **Draft Letter to Greg Oman**

Mr. Forbush presented a draft letter to Greg Oman regarding issues of flood damage.

Mayor Connors asked to be given time to review and make possible editing changes to the letter.

### **Emergency Preparedness Committee and Human Services Coordinator**

A discussion was held regarding the need for a Human Services Coordinator. The Emergency Preparedness Committee needed to remain focused on their work and felt they could not take on additional responsibilities. The Human Services Coordinator could provide coordination of social service related functions coming to the City from time to time. The issue needed to be discussed in more detail when time permitted.

### **Study Session**

A request for additional study sessions with the extended Economic Development Committee would be in connection with the City Council meeting on November 19<sup>th</sup>. The session would begin at 5:00 p.m.

### **ADJOURN TO CLOSED SESSION**

**David Hale** moved that the City Council adjourn to closed session at 10:15 P.M. to discuss strategy pertaining to pending litigation. **Larry Haugen** seconded the motion, which passed by unanimous vote.

**Larry Haugen** made a motion to go back into open session at 10:29 p.m. which was seconded by **Susan Holmes** and passed with a unanimous vote.

### **ADJOURNMENT**

There being no further business, **Susan Holmes** moved that the meeting adjourn at 10:30 p.m.

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Margy Lomax, City Recorder